

REMARKS

Applicant submits this Reply to the Notice Non-Compliant Amendment dated April 29, 2010. Applicant has reviewed the Office Action dated January 11, 2010 and thanks Examiner Binda for his review of the pending claims. In the present revised amendment, claims 26 and 35 have been amended. New claims 37 and 38 have been added. Support for the new claims may be found in at least paragraphs originally presented claims 26 and 35, as well as in paragraph [0017], as originally filed. Therefore, no new matter has been added. Claims 17, 20, 23, 29, 32-34 and 36 were previously allowed. Accordingly, claims 17, 20, 23, 26, 29, and 32-38 are pending in this application.

For at least the following reasons, the rejections of all pending claims should be withdrawn and the claims should be passed to issue. While this paper is believed to completely address all pending rejections, Applicant reserves the right to set forth other reasons supporting the patentability of the claims, including reasons supporting the separate patentability of dependent claims not explicitly addressed herein, in future papers.¹ Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Claim Rejections – 35 USC §112

Claims 26 and 35 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. More specifically, the Examiner rejected claims 26 and 35 as

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome any rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

being unclear in that bronze is a non-ferrous metal. To address the Examiner's concerns, Applicants have amended claims 26 and 35 to delete the reference to bronze and have added new claims 37 and 38, which depend from claims 26 and 35 respectively to recite bronze as an example of a non-ferrous metal that may be used with the invention claimed. Accordingly, Applicants respectively request withdrawal of the rejection.

Allowable Subject Matter

Applicants thank Examiner Binda for the indication that claims 17, 20, 23, 29, 32-34 and 36 were allowed. Applicants also thank Examiner Binda for the indication of allowable subject matter of claims 26 and 35. As indicated above in response to the rejection under 35 U.S.C. 112, second paragraph, Applicants have rewritten claims 26 and 35 to address the Examiner's concerns. Accordingly, Applicants believe that all pending claims have been placed in condition for allowance.

CONCLUSION

All pending rejections have been addressed. In view of the above, the pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66967-0032 from which the undersigned is

Application No. 10/562,430
Amendment dated May 5, 2010
Reply to Office Action of January 11, 2010

Docket No.: 66967-0032

authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136 is hereby made, the fee for which should also be charged to this Deposit Account.

Dated: May 5, 2010

Respectfully submitted,

By /Kristin L. Murphy/

Kristin L. Murphy

Registration No.: 41,212

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 84362

Attorney for Applicant

R0753685.DOC